

# EXHIBIT THREE

Keith  
 Cal contact - liability  
 DWH

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

TERRY PARHAM,

Plaintiff,

v

UNITED PARCEL SERVICE,

Defendant.

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CV-2005-1522

PLAINTIFF DEMANDS A  
 TRIAL BY JURY

PLAINTIFF'S FIRST AMENDED COMPLAINT

COMES NOW, Terry R. Parham, the injured employee the above-styled action, and submits the following amendment of Count Two of his Complaint.

9. Terry R. Parham reasserts and re-alleges paragraphs one through 8 as if set out here in full.

10. Randy Allen is a resident of Autauga County, Alabama and is believed to be over the age of nineteen years.

11. All causes of action herein occurred within the territorial bounds of this Court's jurisdiction and venue.

COUNT II

12. Terry Parham reincorporates paragraphs one through eleven as if set out here in full.

13. On or about April 14, 2004, Defendant Randy Allen, with knowledge of the danger or peril to Terry Parham, consciously pursued a course of conduct with a design, intent, and purpose of inflicting injury to Terry Parham.

14. Defendant Randy Allen accomplished his illegal scheme by placing Terry Parham in a tractor that had been "red-tagged" as unfit for use.

EXHIBIT 3

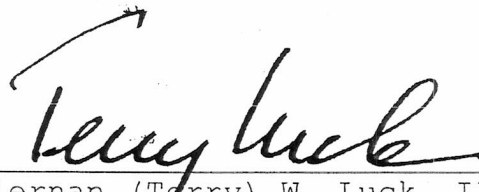
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 CIRCUIT COURT  
 MONTGOMERY COUNTY, ALA.  
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15. As a direct and proximate result of Randy Allen's actions, Terry Parham was seriously injured and has not been able to return to work.

16. Terry Parham has suffered severe emotional distress, pain and suffering, medical bills, and lost wages as a result of Defendant Randy Allen's actions.

WHEREFORE, premises considered, Terry Parham prays this Honorable Court will enter judgment against Defendant Randy Allen for his illegal scheme and intent to injure Terry Parham in an amount to compensate him for his losses; furthermore, Defendant Randy Allen's actions arise to and indeed require the imposition of punitive damages to deter this Defendant and others similarly situated from like conduct.

Respectfully submitted this the 29<sup>th</sup> day of September, 2005.

A handwritten signature in black ink, reading "Tiernan W. Luck, III". The signature is written in a cursive, flowing style. Above the signature, there is a small, curved arrow pointing upwards and to the right.

Tiernan (Terry) W. Luck, III LUC013  
Attorney for Terry Parham

Tiernan W. Luck, III, Attorney at Law, L.L.C.  
621 S. Hull Street  
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(334) 262-5455  
(334) 263-1130 facsimile

CERTIFICATE OF SERVICE

I certify that on the 28 day of September  
2005, the foregoing document was served on listed counsel,  
properly addressed and pre-paid, in the following manner:

- ☐ Facsimile;
- ☐ Facsimile, original to follow by United States mail,  
first class, properly addressed
- ☒ United States mail, first class, properly addressed;
- ☐ United States mail, Express Mail delivery;
- ☐ Federal Express, overnight delivery;
- ☐ United Parcel Service, overnight delivery
- ☐ Hand delivery;
- ☐ Email, original to follow by United States mail, first  
class, properly addressed

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*Teague*